

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark Franklin DAVIS	Group Art Unit:	2644
Serial No.:	10/522,515	Examiner:	Jason Kurr
Filing Date:	January 27, 2005	Confirmation No.:	1657
Title:	AUDIO CHANNEL SPATIAL TRANSLATION		

March 3, 2009
San Francisco, California

RESPONSE TO DECISION ON PETITION

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 15 December 2008.

In response to the Decision, applicant is requesting that an amendment be entered, which amendment corrects the inconsistency noted by the Decision and is being filed concurrently with this Response. In particular, the amendment now provides that the PCT/US02/03619 application claims the priority of U.S. Provisional Application S.N. 60/267,284, rather than providing that it is a “continuation.” Also, the amendment indicates specifically that U.S. Application S.N. 10/467,213 (of which the present application is a continuation-in-part) is the National Stage of PCT/US02/03619, filed February 7, 2002, which claims priority of U.S. Provisional Application S.N. 60/267,284, filed February 7, 2001.

The entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

In view of this Response and the amendment filed concurrently herewith, the defects noted in the Petition are believed to be overcome and granting of applicant's petition is respectfully requested.

It is believed that no further fee is due. However, if a further fee is deemed to be due, please charge the fee to Deposit Account No. 07-0137.

Respectfully submitted,

GALLAGHER & LATHROP

By:

Thomas A. Gallagher
Reg. No. 24,815

Dated: March 3, 2009

601 California Street, Suite 1111
San Francisco, CA 94108-2805
Telephone: (415) 989-8080
Facsimile: (415) 989-0910